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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,382

05/31/2005

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EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

05/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,382

Applicant(s)

SUGIYAMA ET AL.

Examiner

Gerald W. McClain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 31 May 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because the item numbers are not in parentheses (or should be removed). Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Folded Sheet Package With Interlocking And Overlapping Sides.

Claim Objections

Claims 1, 4, 8-10, and 15 are objected to because of the following informalities: "so that" should be formalized to "such that". Appropriate correction is required.

Claims 1, 10, and 15 are objected to because of the following informalities: as an example, Claim 1, lines 5-6 state the phrase "have been stacked." To be consistent with the rest of the verb tenses, this phrase should be changed to the present tense. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in line 9, the phrase "will be placed" is in the future tense. To be consistent with the rest of the verb tenses, this phrase should be changed to the present tense. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: in line 9, the phrase "to be used" is in the conditional tense. To be consistent with the rest of the verb tenses, this phrase should be changed to the present tense. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: in line 17, the word "to" should be removed for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Multiple claims recite the limitation "exposed part of the sheets" and "state exposing part of the sheets" in multiple lines. There is insufficient antecedent basis for this limitation in the claim.

In Claim 1 (and Claim 10), line 14, it is unclear what is "being closed".

In Claim 1 (and Claim 10), line 14, it is unclear for what "the sheet package is not used".

In Claim 2, line 23, it is unclear when the "flap part can be set ... again" since it is unclear when it previously happened.

In claim 2 (and Claim 6), line 24, it is unclear to what the "other side" is in relation.

The term "mint condition" in claim 3 is a relative term which renders the claim indefinite. The term "mint condition" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In claim 3, line 1, it is unclear what is "cut off" where.

In Claim 4, lines 9-11, the phrasing and punctuation are not clear. (remove commas; line 11 sentence is confusing)

Claim 7 recites the limitation "tongue part" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 (and Claim 11) recites the limitation "base side" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 (and Claim 11) recites the limitation "part of the sheets" in line 4. There is insufficient antecedent basis for this limitation in the claim.

In Claim 15, line 5, it is unclear what has "an indicator part".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, as understood by the Examiner, are rejected under 35

U.S.C. 102(b) as being anticipated by Japanese Patent 48-104334 ("JP48").

Claim 1: printer (title; Note: since JP48 is a copier, there is inherently a printer portion.); package member (1); sheet package (1); flap part (3; Note: 3 is *capable of* covering the sheets when closed since (a) 3 covers a portion of the sheets as shown in figure 2, or (b) part 5 is *capable of* being placed over the sheets to completely cover the sheets up.);

Claim 2: flap part (3); portion of the package member (3);

Claim 3: package member (1); portion (3); prescribed part (5);

Claim 4: package member (1); tongue part (See figure 4 below, A); portion of the package member (3); pressing member (11); roller (13); printer (title);

Claim 5: package member (1); first cut (See figure 2 below, B); portion of the package member (3); (Note: 3 "can be engaged" with B since 5 is *capable of* moving up or attaching to 3 at B.)

Claim 6: package member (1); second cut (See figure 2 below, C); portion of the package member (3); (Note: 3 "can be engaged" with C since 5 is *capable of* moving up or attaching to 3 at C.)

Claim 7: second cut (C); tongue part (A);

Claim 8: package member (1); sheet packages (1); part of the package member (5); first cut (B); (Note: one configuration of a plurality of sheet packages is the

following: two sheet packages facing each other with 5 cut off at B and C *can be* connected together in an aligned state by having 5 halfway inserted into both sheet packages. Other configurations are possible.)

Claim 9: package member (1); wrapping part (See figure 2 below, D); part of an outside of the tongue part (See figure 2 below, G); tab (5); (Note: 5 *can be* used to remove 1 from the printer with adhesive or some other mechanism between 1 and 5.)

Claim 10: printer (title); package member (1); sheet package (1); base (1 on the 11 side); flap part (3); tongue part (See figure 4 below, A); first wrapping part (See figure 2 below, D); second wrapping part (opposed to D);

Claim 11: crease (See figure 4 below, H); flap part (3); base (1 on the 11 side); package member (1); flap part (3);

Claim 12: tongue part (A); base (1 on the 11 side); flap part (3).

Claims 1-11, as understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Medoff (US 1,883,852).

Claim 1: package member (See Fig. 3, 1); sheet package (1); flap part (See Fig. 5, 7); (Note: the *intended use* of the *sheet package* is for setting it in a printer. The sheet package of Medoff is *capable of* being set in a printer.)

Claim 2: flap part (7); portion of the package member (7);

Claim 3: package member (1); portion (7); prescribed part (not shown; material surrounding 7);

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Claim 4: package member (1); tongue part (See Fig. 3 (*not* Fig. 5), 7); portion of the package member (See Fig. 5, 7); (Note: the *intended use* of the *sheet package* is for setting it in a printer with a pressing member and roller. The sheet package of Medoff is *capable of* being set in a printer with a pressing member and roller.)

Claim 5: package member (1); first cut (8); portion of the package member (See Fig. 5, 7);

Claim 8: package member (1); sheet packages (1); part of the package member (See Fig. 5, 7); first cut (8); (Note: one configuration of a plurality of sheet packages is the following: two sheet packages (Fig. 1) facing each other *can be* connected together in an aligned state by having 7 (Fig. 3) inserted into 8 of the other sheet package. Other configurations are possible.)

Claim 9: package member (1); wrapping part (3); part of an outside of the tongue part (2); tab (See Fig. 5 below, J);

Claim 10: package member (See Fig. 3, 1); sheet package (1); base (5); flap part (See Fig. 5, 7); tongue part (See Fig. 3 (*not* Fig. 5), 7); first wrapping part (3); second wrapping part (3); (Note: the *intended use* of the *sheet package* is for setting it in a printer. The sheet package of Medoff is *capable of* being set in a printer.)

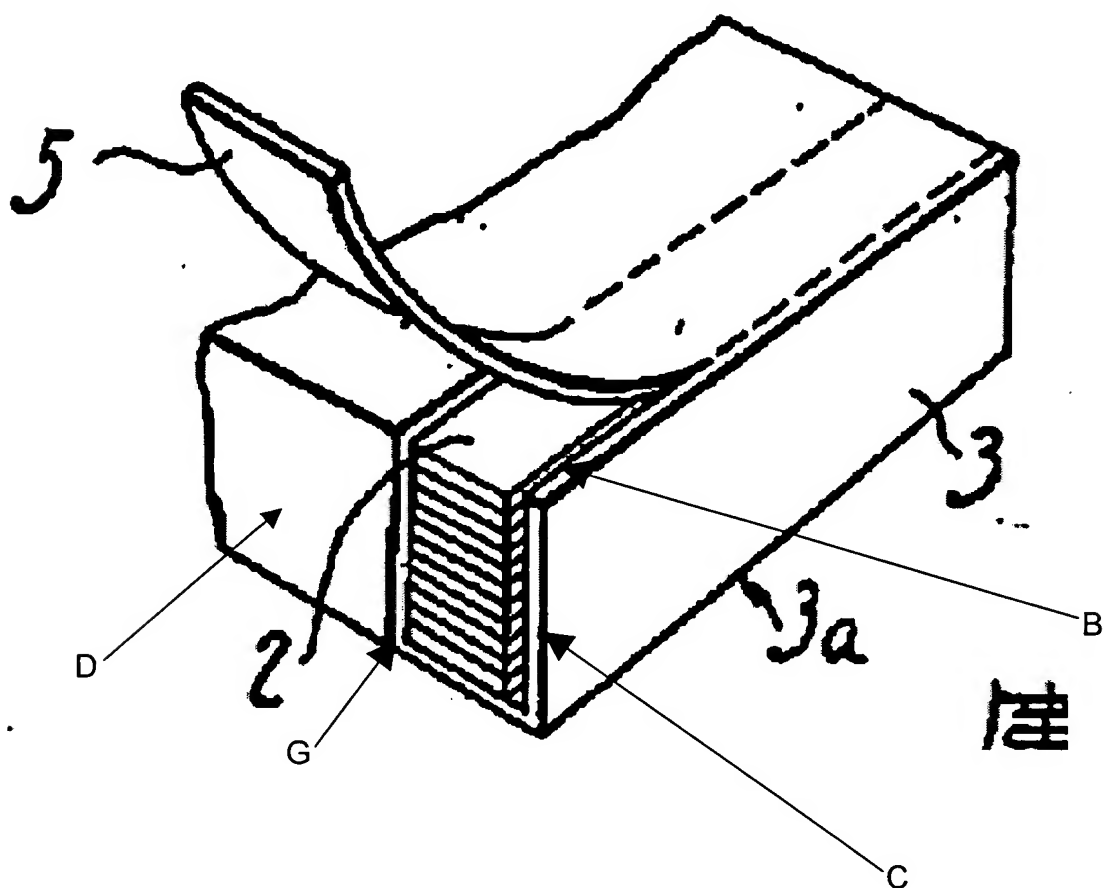
Claim 11: crease (See Fig. 5, 2); flap part (See Fig. 5, 7); base (5); package member (1); flap part (See Fig. 5, 7);

Claim 15, as understood by the Examiner, is rejected under 35 U.S.C. 102(b) as being anticipated by Ishiduka, et al. (US 6,217,019) ("Ishiduka").

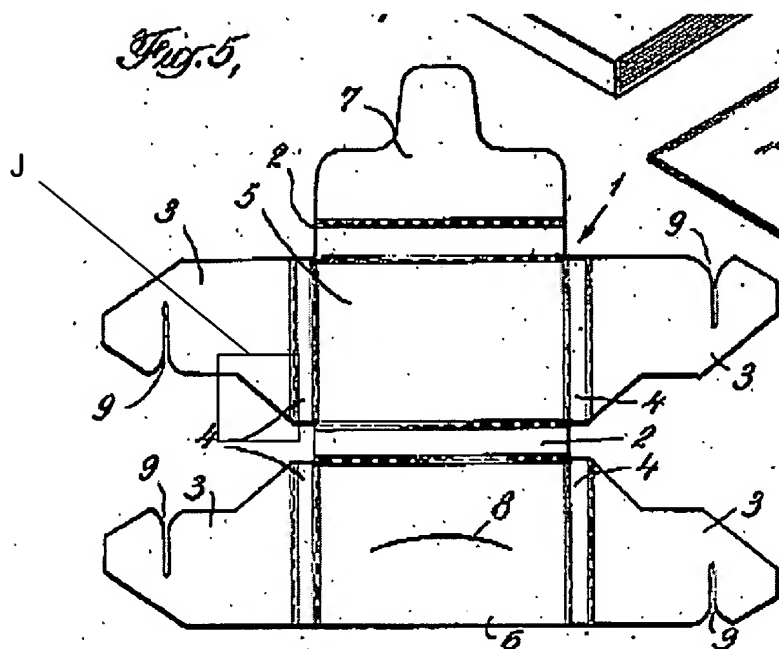
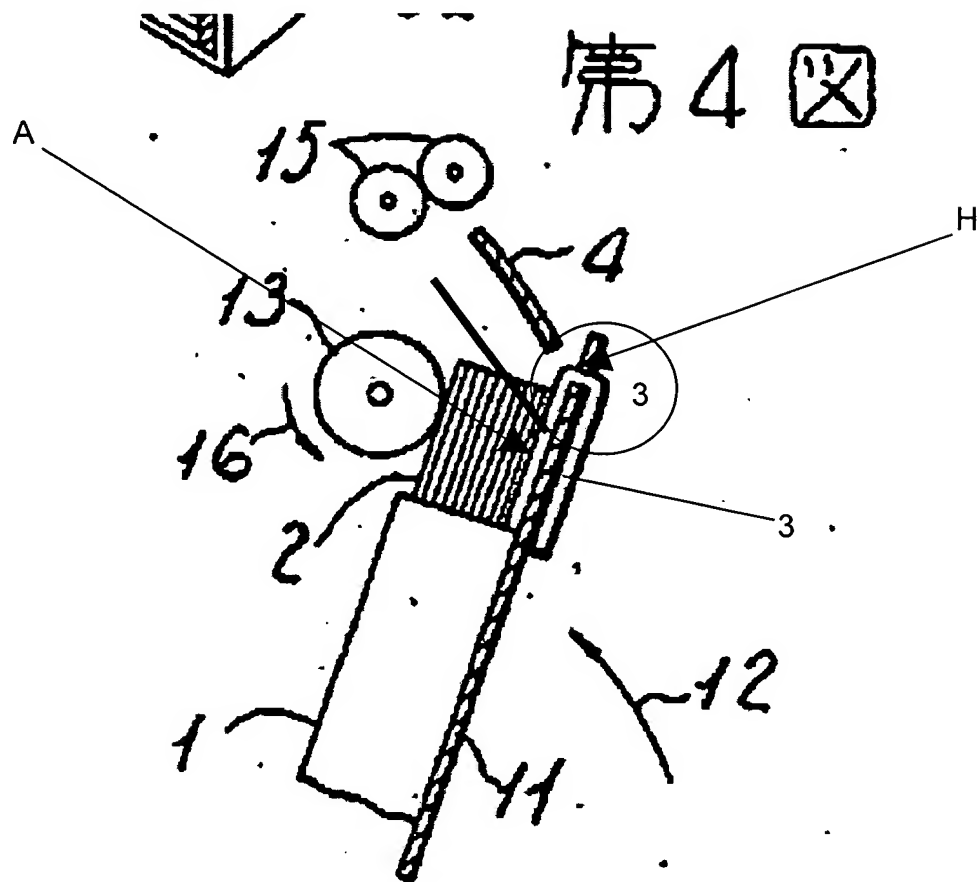
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Claim 15: printer (column 1, line 7); package member (20); indicator part (29a); window of the printer (44; Note: 35 is part of the printer); joining part (20g).

第 2 図



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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medoff. Medoff discloses all the limitations of the claims as discussed above. Medoff does not directly show a base that is provided with a cut into which the flap part is inserted to be fixed in the opened state. Medoff has disclosed that the base is provided with a cut into which the flap part is inserted in order to be fixed in the opened state. It would be obvious to one of ordinary skill in the art to modify Medoff to have a cut provided in the base for the flap part in the opened state for the purpose of eliminating the need for adhesive. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP48 in view of Medoff. JP48 discloses all the limitations of the claims as discussed above. JP48 does not directly show a tongue part (See figure 4 above, A of JP48) provided with a cut into which the flap part (3 of JP48; See figure 4 above for all parts of 3.) is inserted to be fixed in the closed state (See Claim 1. Note: the closed state does not require the *entire* exposed part of the sheets to be covered by the flap part).

Medoff shows a tongue part provided with a cut (8) into which the flap part is inserted to be fixed in the closed state for the purpose of being able to be refilled easily

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and quickly when emptied (page 1, column 1, lines 9-10). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Medoff and include Medoff's similar device having a cut into which the flap part is inserted to be fixed in the closed state for the purpose of being able to be refilled easily and quickly when emptied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



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